

AMENDED IN ASSEMBLY MARCH 29, 2005

CALIFORNIA LEGISLATURE—2005–06 REGULAR SESSION

## ASSEMBLY BILL

**No. 1404**

**Introduced by Assembly Member Coto**

February 22, 2005

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An act to amend Section ~~82011~~ 44252.1 of the ~~Government Education~~ Code, relating to ~~conflicts of interest~~ *teacher credentialing*.

### LEGISLATIVE COUNSEL'S DIGEST

AB 1404, as amended, Coto. ~~Conflicts of interest: schools~~ *Teacher credentialing*.

*Existing law provides that a credential candidate who is continuously enrolled, as defined, in an integrated program of professional preparation is not subject to any new requirements added by statute, regulation, or commission standards if the candidate meets specified conditions. Existing law provides that such a candidate is eligible for a 12-month extension to complete program requirements. Existing law repeals these provisions on January 1, 2006.*

*This bill would delete that repeal date, thereby making those provisions effective indefinitely.*

~~The Political Reform Act of 1974 requires each state or local government agency to adopt a conflict of interest code, to be provided to the agency's code reviewing body, as specified. Existing law requires the code reviewing body to make certain determinations and take certain actions regarding each filed code. Pursuant to the filed code, existing law requires each designated employee of an agency to file a statement of economic interests disclosing his or her financial interests, as specified. With regard to a local agency with jurisdiction within a single county, other than the board of supervisors, a judicial~~

~~agency, or a city agency, the code is required to be filed with the county board of supervisors. Existing law requires designated employees of these local agencies to file their original statements of economic interests with the agency or the code reviewing body, as specified, to be retained by the agency or code reviewing body, or copied and forwarded by the agency to the code reviewing body with the copy retained, as specified.~~

~~This bill would designate the county board of education instead of the county board of supervisors as the code reviewing body for a school district in a multi-district county, a community college district, or a school-related joint powers authority located wholly within a single county. It would designate the Superintendent of Public Instruction as the code reviewing body for a county board of education, a county office of education, or a school district of a county with only a single school district.~~

~~By requiring local agencies to retain, or to copy and forward the originals of, statements of economic interest, and by requiring county boards of education to review conflict of interest codes, this bill would create a state-mandated local program.~~

~~The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.~~

~~This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.~~

~~The Political Reform Act of 1974, an initiative measure, provides that the Legislature may amend the act to further the act's purposes with a  $\frac{2}{3}$  vote of each house and compliance with specified procedural requirements.~~

~~This bill, which would declare that it furthers the purposes of the act, would therefore require a  $\frac{2}{3}$  vote.~~

~~Vote:  $\frac{2}{3}$ -majority. Appropriation: no. Fiscal committee: -yes no. State-mandated local program: -yes-no.~~

*The people of the State of California do enact as follows:*

1     SECTION 1. ~~Section 82011 of the Government Code is~~  
2     ~~amended to read:~~

1     *SECTION 1. Section 44252.1 of the Education Code is*  
2     *amended to read:*

3     44252.1. (a) It is the intent of the Legislature that a credential  
4     candidate enrolled in a credential preparation program receive  
5     reasonable time to complete the program without meeting new  
6     requirements, including, but not limited to, requirements added  
7     by statutes, regulations, or commission standards, after the  
8     candidate's enrollment in the program. Further, to ensure that all  
9     candidates for a credential receive reasonable information and  
10    advice as they proceed through their program, the Legislature  
11    finds and declares that it is incumbent upon credential  
12    preparation programs to inform candidates of new requirements  
13    and extension provisions available to eligible candidates.

14    (b) For the purposes of this section, the following terms shall  
15    have the following meanings:

16    (1) "Enrolled" refers to an individual who, on or after January  
17    1, 2002, continuously participates in and is working toward  
18    completing the requirements for a program that meets the  
19    minimum requirements for a California preliminary multiple or  
20    single subject teaching credential as specified in Section 44259.  
21    Whether an individual is enrolled shall be subject to verification  
22    by the Commission on Teacher Credentialing.

23    (2) "Continuously enrolled" refers to an individual who has  
24    begun a teacher preparation program and does not have a break  
25    in that participation that exceeds a period of 18 months.

26    (c) The commission shall adopt regulations to provide a  
27    credential candidate enrolled in a commission-accredited  
28    preparation program, including, but not limited to, an internship  
29    program as defined in Article 7.5 (commencing with Section  
30    44325) and Article 3 (commencing with Section 44450), a  
31    professional preparation program as defined in Article 7  
32    (commencing with Section 44320), or an integrated program of  
33    professional preparation as defined in Section 44259.1 with a  
34    grace period to complete the program without meeting new  
35    requirements, including, but not limited to, requirements added  
36    by statutes, regulations, or commission standards, after the  
37    candidate's enrollment in the program. The commission shall  
38    also ensure through standards and accreditation procedures that  
39    credential preparation programs provide credential candidates  
40    with information about new requirements and extension

1 provisions as outlined in this subdivision and subdivisions (d)  
2 and (e).

3 (1) The commission shall adopt regulations that provide a  
4 credential candidate enrolled in a commission-accredited  
5 preparation program time of not less than 24 months after  
6 enrollment in the program, during which time new or amended  
7 statutes, regulations, and commission standards that become  
8 effective and are imposed on credential candidates after the  
9 candidate's enrollment date shall not apply to that candidate.

10 (2) The commission shall allow a credential candidate an  
11 extension of time in addition to the time specified pursuant to  
12 paragraph (1) to complete a credential program under the  
13 statutes, regulations, and commission standards in place at the  
14 time of the candidate's enrollment if the candidate can  
15 demonstrate extenuating circumstances, including, but not  
16 limited to, personal or family illness, bereavement, or financial  
17 hardship and develops a plan, in consultation with the credential  
18 preparation program, for continued progress toward completion  
19 of the preparation program.

20 (d) The commission shall maintain a list of candidates who are  
21 allowed an extended time period to complete the program under  
22 the statutes, regulations, and commission standards in place at the  
23 time of the candidates' enrollment prior to the effective date of a  
24 new or amended statute, regulation, or standard. This list shall  
25 include the projected date of program completion for each  
26 candidate.

27 (e) (1) A credential candidate enrolled in an integrated  
28 program of professional preparation pursuant to subdivision (a)  
29 of Section 44259.1 ~~shall is not be~~ subject to any new  
30 requirements added by statute, regulation, or commission  
31 standards if that candidate is continuously enrolled in the  
32 program, as defined in paragraph (2) of subdivision (b), and does  
33 not change the type of credential or program he or she is  
34 pursuing once enrolled.

35 (2) A credential candidate continuously enrolled in an  
36 integrated program of professional preparation pursuant to  
37 subdivision (a) of Section 44259.1 who has completed all  
38 requirements necessary to begin the student teaching component  
39 of his or her program shall be eligible to receive an extension of  
40 12 months, if necessary, to complete the outstanding

1 requirements that were in place when that credential candidate  
2 began the preparation program, and shall not be subject to any  
3 new requirements added by statute, regulation, or commission  
4 standards, once that candidate begins the student teaching portion  
5 of his or her program.

6 (3) Nothing in this subdivision shall limit a candidate's ability  
7 to seek additional time to complete a credential pursuant to  
8 paragraph (2) of subdivision (c).

9 ~~(4) This subdivision shall remain in effect only until January~~  
10 ~~1, 2006.~~

11 ~~(5)~~ By June 30, 2004, the commission shall report to the  
12 education policy committees in each house of the Legislature on  
13 the success of the integrated program of professional  
14 development pursuant to Section 44259.1 toward preparing  
15 teacher candidates, including, but not limited to, the number of  
16 students admitted to the teacher education component in each  
17 program, the number of students who have completed all course  
18 requirements, including student teaching, and who have applied  
19 for a credential, the number of students applying for and  
20 receiving an extension pursuant to subdivision (e), and the  
21 information collected pursuant to subdivision (d).

22 (f) Nothing in this section is intended to supersede subdivision  
23 (h) of Section 44259.

24 (g) A modification of a credentialing examination by the  
25 commission that is made as the result of a validity study or a  
26 passing standard study shall not be considered a new requirement  
27 for purposes of this section.

28 (h) If credential preparation coursework that a credential  
29 candidate has not yet taken is modified, the candidate shall take  
30 the modified coursework instead of the previously required  
31 coursework unless the modified coursework is not readily  
32 available, the modified coursework would result in an increased  
33 cost to the candidate, or completion of the modified coursework  
34 would delay the candidate's completion of the credential  
35 preparation program.

36 (i) Once a candidate has received a preliminary California  
37 teaching credential pursuant to Section 44259 and is employed as  
38 the teacher of record in a California public school, the candidate  
39 shall not be subject to any new requirements for completing the  
40 induction phase required to obtain the professional clear teaching

1 credential pursuant to Section 44279.4, for a period not to exceed  
2 the length of time provided for the preliminary teaching  
3 credential pursuant to Section 44251.

4 82011. “Code reviewing body” means all of the following:

5 (a) ~~The commission, with respect to the conflict-of-interest~~  
6 ~~code of a state agency other than an agency in the judicial branch~~  
7 ~~of government, or any local government agency with jurisdiction~~  
8 ~~in more than one county.~~

9 (b) ~~The board of supervisors, with respect to the~~  
10 ~~conflict-of-interest code of any county agency other than the~~  
11 ~~board of supervisors, or any agency of the judicial branch of~~  
12 ~~government, and of any local government agency, other than a~~  
13 ~~city agency, with jurisdiction wholly within the county, except as~~  
14 ~~provided in paragraphs (1) and (2).~~

15 (1) ~~The county board of education with respect to the~~  
16 ~~conflict-of-interest code of a school district, community college~~  
17 ~~district, or school-related joint powers authority located wholly~~  
18 ~~within a single county, except for a school district in a county~~  
19 ~~with only a single school district.~~

20 (2) ~~The Superintendent of Public Instruction with respect to~~  
21 ~~the conflict-of-interest code of a county board of education, a~~  
22 ~~county office of education, or a school district of a county with~~  
23 ~~only a single school district.~~

24 (c) ~~The city council, with respect to the conflict-of-interest~~  
25 ~~code of any city agency other than the city council.~~

26 (d) ~~The Attorney General, with respect to the~~  
27 ~~conflict-of-interest code of the commission.~~

28 (e) ~~The Chief Justice of California or his or her designee, with~~  
29 ~~respect to the conflict-of-interest code of the members of the~~  
30 ~~Judicial Council, Commission on Judicial Performance, and~~  
31 ~~Board of Governors of the State Bar of California.~~

32 (f) ~~The Board of Governors of the State Bar of California with~~  
33 ~~respect to the conflict-of-interest code of the State Bar of~~  
34 ~~California.~~

35 (g) ~~The Chief Justice of California, the administrative~~  
36 ~~presiding judges of the courts of appeal, and the presiding judges~~  
37 ~~of superior courts, or their designees, with respect to the~~  
38 ~~conflict-of-interest code of any agency of the judicial branch of~~  
39 ~~government subject to the immediate administrative supervision~~  
40 ~~of that court.~~

1     ~~(h) The Judicial Council of California, with respect to the~~  
2     ~~conflict-of-interest code of any state agency within the judicial~~  
3     ~~branch of government not included under subdivisions (c), (f),~~  
4     ~~and (g).~~

5     ~~SEC. 2. If the Commission on State Mandates determines that~~  
6     ~~this act contains costs mandated by the state, reimbursement to~~  
7     ~~local agencies and school districts for those costs shall be made~~  
8     ~~pursuant to Part 7 (commencing with Section 17500) of Division~~  
9     ~~4 of Title 2 of the Government Code.~~

10    ~~SEC. 3. The Legislature finds and declares that the provisions~~  
11    ~~of this act further the purposes of the Political Reform Act of~~  
12    ~~1974 within the meaning of subdivision (a) of Section 81012 of~~  
13    ~~the Government Code.~~